

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

NATCHEZ-ADAMS SCHOOL
DISTRICT,
Plaintiff

CIVIL ACTION NO. 1:17-CV-00991

VERSUS

CHIEF JUDGE DRELL

SRM PROPERTIES, LLC, *ET AL.*,
Defendants

MAGISTRATE JUDGE PEREZ-MONTES

JURISDICTIONAL REVIEW FINDINGS AND ORDER

Before the Court is a Complaint premising federal jurisdiction upon diversity of citizenship. (Doc. 1). In response to this Court's *Sua Sponte* Jurisdictional Briefing Order (Doc. 10), Plaintiff Natchez-Adams School District ("NASD") filed a Memorandum in Support of Subject Matter Jurisdiction with Exhibit "A" to support its jurisdictional allegations. (Doc. 19). NASD also filed a Motion for Authority to File First Amended Complaint (Doc. 20) to properly allege diversity jurisdiction.

Before NASD filed its memorandum, Defendants filed a Motion to Dismiss (Doc. 8) under Fed. R. Civ. P. 12(b)(1), arguing Paragraph 4 of NASD's petition alleges subject matter jurisdiction exists under "42 U.S.C. § 1332," which Defendants argue has been repealed. Defendant requests the Court dismiss NASD's petition because "42 U.S.C. § 1332" does not grant subject matter jurisdiction to the Court. (Doc. 8). The record shows NASD intended to cite diversity jurisdiction under 28 U.S.C. § 1332.

"[S]ubject-matter jurisdiction, because it involves a court's power to hear a case, can never be forfeited or waived." Arbaugh v. Y&H Corp., 546 U.S. 500, 514

(2006) (citing Ruhrgas AG v. Marathon Oil Co., 526 U.S. 574, 583 (1999)). The Court has “an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party.” Id.

NASD, a political subdivision of the State of Mississippi, is a Mississippi citizen.

Defendant SRM Properties, LLC (“SRM”) is a limited liability company, with its sole member being Susan R. Meng, a citizen of Louisiana. SRM is a citizen of Louisiana.

Defendant Swamp Cat Timber, LLC (“Swamp Cat”) is a limited liability company, with its sole member being Susan R. Meng, a citizen of Louisiana. Swamp Cat is a citizen of Louisiana.

Accordingly, diversity jurisdiction is established. No further action is necessary at this time. This finding is preliminary in nature, and may be reconsidered *sua sponte* or upon appropriate motion.

IT IS ORDERED that NASD’s Motion for Authority to File First Amended Complaint for Judicial Recognition of Servitude of Passage (Doc. 20) is GRANTED.

IT IS FURTHER ORDERED that Defendants Motion to Dismiss (Doc. 8) is DENIED as moot.

THUS DONE AND SIGNED in chambers in Alexandria, Louisiana, this 11th day of October, 2017.



Joseph H.L. Perez-Montes
United States Magistrate Judge